

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2522 of 1998

Date of decision:

For Approval and Signature

The Hon'ble Ms. Justice R. M. DOSHIT

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DEVENDRAPRASAD PITAMBERDAS TRIVEDI

Versus

STATE OF GUJARAT

Appearance:

MR MUKESH R SHAH for Petitioner
PUBLIC PROSECUTOR for Respondent No. 1
NOTICE SERVED for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 23/12/98

ORAL JUDGEMENT

Heard learned advocate Mr. M. R. Shah for the applicant and learned A.P.P. Mr. P. B. Bhatt for the State.

The applicant before this court is the accused in a complaint lodged before the Himatnagar Town Police Station and registered as C.R.No.I -173/98, the respondent No.2 being the complainant. It is alleged that the accused is running a consumer protection centre and under the guise of seeking information is extorting money from the businessmen, traders, professionals etc., and has thus committed an offence punishable under section 384 I.P.C. Feeling aggrieved, the accused has preferred the present application under section 482 of Cr.P.C. and seeks to quash the above referred complaint. It is contended that the complaint is false, frivolous and vexatious. Earlier also the same complainant had filed complaint against the applicant and the Consumer Protection Centre. The said complaint was found to be false and was accordingly filed. The complaint has been lodged for ulterior purpose and with mala fide intention.

2. Be that as it may. Mr. Bhatt states that the investigation in respect of the above referred complaint is completed and the report / charge sheet shall be filed before the Magistrate in a short time, if it is not filed already. In view of the investigation having been completed by the police this Court will not be justified in quashing the complaint without perusing the evidence collected by the police. The applicant shall have an opportunity to apply for discharge before the Magistrate. Mr. Shah, therefore, seeks leave to withdraw this application. Leave is granted. The application is disposed of as withdrawn. Rule is discharged. Interim relief is vacated.

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